

members shall be called in alphabetical order, and each member, as his name is called, allowed to have a general or special bill taken up and disposed of;

Which, on motion of Mr. Flanagan, was laid upon the table.

Mr. Tankersley then moved to take up a bill for the relief of Margaret McCormick; lost.

A bill supplementary to an act granting to settlers on public domain, pre-emption privileges, amended in the Senate, was read;

When Mr. Tankersley moved to lay the bill upon the table; which motion was lost by a vote of 29 nays to 16 yeas.

A motion was then made to adjourn until half-past 9 o'clock to-morrow and lost.

Mr. Hartley then moved to postpone the further consideration of the bill until 11 o'clock on Saturday the 5th instant, and that it be made the special order for that hour; the yeas and nays were taken thereon, but no quorum voting.

On motion of Mr. Scott, the House adjourned until half-past 9 o'clock to-morrow morning.

AUSTIN, February 4, 1853.

House met—roll called—quorum present.

Absentees: Messrs. Bee, Bryan of B., Camp, Hartley, A. J. Hood, Hooker, Hord, Pollock, Reid, Sims and Stapp.

PETITIONS.

Mr. Taylor of Fannin presented the petition of sundry citizens, praying that a certain portion of the public domain be attached to the Cook Land District, which, on motion, was referred to the committee on Public Lands.

Mr. Cannon moved a suspension of the rule regulating the general order of business, in order that the House might now proceed to the orders of the day; carried.

Mr. Flanagan, one of the committee on Engrossed Bills, reported that they had examined a bill to be entitled an act supplementary to an act to provide for the erection of a State Capitol, approved February 14, 1852; also,

A bill to establish the New Orleans, Texas and Pacific Railroad Company, for the extension of the New Orleans, Opelousas and Great Western Railroad through Texas, and found the same correctly engrossed; report accepted.

Mr. A. J. Hood, chairman of the committee on Engrossed Bills, reported that they had examined a bill to be entitled an act for the relief of John Sise and others, and reported the same correctly engrossed; report accepted.

Mr. Tankersly, chairman of the committee on Enrolled Bills, reported that they had examined the following bills, originating in the House:

A bill to be entitled an act repealing the second section of an act passed on the 10th day of February, 1852, changing the names of Antoinette Scott and Sidney Way to that of Devereaux;

A bill to be entitled an act to create the county of Hidalgo; and,

A bill to be entitled an act to authorize the county court of Comal county to levy a special tax.

With the signatures of the Speaker of the House and President of the Senate, they were presented to His Excellency, the Governor, for his approval; report accepted.

A bill supplementary to an act granting to settlers on public domain pre-emption privileges, being under consideration when the House adjourned last night, again came up for consideration.

The question pending on Mr. Hartley's motion to postpone the further consideration of the bill until 11 o'clock on the 5th instant, and make it the special order for that hour; motion lost.

A motion was then made to concur in the amendments of the Senate.

Mr. Tarver moved to postpone the further consideration of the bill until the 4th day of July next, upon which the yeas and nays were taken and resulted as follows:

YEAS—Messrs. Bryan of B., Crabb, Hamilton, Hardeman of C., Hardeman of N., McDade, McFarland, Palmer, Randolph, Reid, Sims, Stapp, Tankersly and Tarver—14.

NAYS—Messrs. Speaker, Andrews, Bee, Browder, Camp, Cannon, Charlton, Crockett, Daggett, Doom, Dunlap, Edwards, Evans of B., Evans of P., Fields, Flanagan, A. J. Hood, Hooker, Jowers, Lott, Mabry, Maverick, Neal, Neighbors, Pollock, Rains, Rossy, Rowe, Speights, Taylor of F., Taylor of H., Throckmorton, Turner, Westmoreland, White and Wren—36.

So the House refused to postpone.

The yeas and nays were then taken upon the motion to agree to the amendments of the Senate, and stood thus:

YEAS—Messrs. Speaker, Bryan of B., Camp, Cannon, Charl-

ton, Daggett, Doom, Dunlap, Edwards, Evans of B., Evans of P., Fields, Flanagan, A. J. Hood, Hooker, Jowers, Lott, Mabry, Maverick, Neighbors, Patrick, Rains, Rossy, Speights, Throckmorton, Turner, White and Wren—28.

NAYS—Messrs. Bee, Browder, Crabb, Crockett, Hamilton, Hartley, Hardeman of C., Hardeman of N., McDade, McFarland, Neal, Palmer, Randolph, Reid, Rowe, Sims, Stapp, Stewart, Tankersly, Tarver, Taylor of F. and Westmoreland—22.

So the amendments were concurred in.

Mr. Jowers moved to take up a bill for the relief of John White; carried.

Bill read first time and passed to second reading.

On motion, the rule was suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

Mr. Tarver, chairman of the Judiciary committee, reported that they had examined a bill supplementary to an act relating to lands in Peters' Colony, approved February 10, 1852, and return the same back to the House with the following amendments, and recommended its passage:

Section 1. Strike out all after the word "made," in the 5th line, and down to the words "so soon," in the 8th line, and insert: "or may hereafter make their locations by virtue of their colonial headright certificates, and return the same to the General Landoffice in the same manner as prescribed by the 4th section of the act to which this is a supplement, for filing with the agent of the company."

Same section: Strike out all after the word "issued," in the 12th line, and insert: "All locations by the company surveys shall be sufficient to maintain an action of trespass to try title."

Add—"Section 4. That so soon as the legally authorized agent or trustee of said company, shall file in the General Landoffice a map of all the surveys made by them in said colony, and an unqualified release to the State of all their interest or claim whatever in and to any and all the sections, half sections, fractional sections and alternate sections, that is or may be owned, located, claimed or settled upon by any colonist of said colony, or their assigns, by virtue of Ward's certificates or certificates of the county courts, issued by virtue of the 10th section of the act to which this is a supplement, they shall have power and authority to locate the lands to which they are entitled, by virtue of the act to which this is a supplement, in

said colony, and when located shall be patented by the Commissioner of the General Landoffice: *provided*, they do not conflict with any location or claim of said colonists, or other legal locations in said colony; and upon filing said releases, the Commissioner of the General Landoffice is hereby required to make out and furnish the agent of said company quarterly, and as fast as the returns of the colonists are made in his office, a map of all the locations made by said colonists at the expense of the company."

"Section 5. That so much of the act to which this is a supplement, as conflicts with the provisions of this act, be and the same is hereby repealed; and that this act take effect and be in force from and after its passage."

Mr. Throckmorton moved to suspend the rule in order that the bill and report might be taken up for consideration; carried.

On motion, a call of the House was ordered and made.

Call suspended.

A motion was then made to lay the amendments of the committee on the table.

Mr. Hartley proposed to add "and bill."

A motion was then made for a division of the question, and carried.

The question was then taken on laying the amendment on the table, upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Bee, Bryan of B., Camp, Dunlap, Evans of B., Hord, Maverick, Neal, Neighbors, Palmer, Randolph, Reid, Rossy, Scott, Stewart, Taylor of F., Turner and Wren—18.

NAYS—Messrs. Andrews, Browder, Cannon, Charlton, Crabb, Crockett, Daggett, Doom, Edwards, Evans of A., Evans of P., Fields, Flanagan, Hamilton, Hartley, Hardeman of C., Hardeman of N., A. J. Hood, Hooker, Jowers, Lawson, Mabry, McDade, McFarland, Patrick, Rains, Rowe, Runnels, Sims, Speights, Stapp, Tarver, Taylor of H., Thomson, Throckmorton, Westmoreland and White—37.

So the House refused to lay the amendments on the table.

Mr. Hartley then withdrew his motion to lay the bill on the table.

When Mr. Bryan of Brazoria offered a substitute for the bill.

Mr. Fields in the Chair.

Mr. Throckmorton then moved to lay the substitute on the table.

Mr. Bryan of Brazoria then withdrew his substitute.

The first and second amendments of the committee were then adopted.

Third amendment was then read.

Mr. Tankersly moved to lay the bill and amendments on the table.

Mr. Taylor of Fannin offered an amendment to the third amendment of committee.

Mr. Flanagan moved to lay the amendment to the amendment on the table.

Mr. White in the Chair.

Mr. Taylor of Fannin then withdrew his amendment.

The third amendment was then adopted.

The fourth and fifth amendments of the committee were then read and adopted; and the bill as amended passed to third reading.

On motion, the rule was further suspended, and bill read third time.

The yeas and nays were then taken on the final passage of the bill, and stood thus:

YEAS—Messrs. Speaker, Andrews, Bee, Bryan of B., Browder, Camp, Cannon, Crockett, Daggett, Dunlap, Evans of B., Evans of A., Fields, Flanagan, Hamilton, Hardeman of C., Hardeman of N., Hooker, Hord, Jowers, Lawson, Mabry, Maverick, McDade, McFarland, Palmer, Reid, Rossy, Scott, Stapp, Tankersly, Tarver, Taylor of F., Throckmorton, Turner and White—36.

NAYS—Messrs. Charlton, Crabb, Doom, Edwards, Evans of P., Hartley, A. J. Hood, Neighbors, Patrick, Rains, Randolph, Rowe, Runnels, Sims, Speights, Stewart, Taylor of H., Thomson, Westmoreland and Wren—20.

So the bill passed.

A message was received from the Senate, informing the House that the Senate had passed the following bills:

A bill to be entitled an act to give the right of appeal in cases of habeas corpus;

A bill to incorporate the Liberty and Nacogdoches Railroad Company;

A bill to incorporate the Colorado Valley Railroad Company;

A bill to incorporate Paris and Pine Bluff Turnpike Company;

A bill to be entitled an act to incorporate the Virginia Point and Austin Railway Company;

A joint resolution instructing the Senators and Representatives from Texas in the Congress of the United States, to use their efforts for the increase of the army.

Also, the following bills originating in the House:

A bill to be entitled an act to incorporate the Galveston, Houston and Henderson Railroad Company;

A bill to be entitled an act to define the times of holding the District Courts in the Third Judicial District;

A bill for the relief of the heirs of L. Gilbert.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Flanagan moved to suspend the rule in order to take up a bill to incorporate the Henderson and Burkville Railroad Company; carried, and bill read third time and passed.

A bill to incorporate the city of Brownsville having been amended in the Senate, and returned to the House for its concurrence,

Mr. Dunlap moved that the House concur in the amendments; carried.

Mr. Sims moved to take up a bill to incorporate the Memphis, El Paso and Pacific Railroad Company; carried, and bill read, when

Mr. Throckmorton proposed the following amendment:

Amend, by striking out "sixteen sections," wherever it occurs, and insert "eight sections."

Strike out "eight, ten, twelve and fourteen years," wherever it occurs, and insert "six, eight, ten and twelve years;" adopted.

Mr. Hartley proposed the following amendment:

Strike out section 20, and insert:

"If this company shall not commence the construction of the road within two years from the passing of this, and complete twenty-five miles thereof from year to year for every year thereafter, until the same shall be entirely completed, this act shall be null and void;" adopted.

Mr. Hartley offered the following further amendment:

Strike out the sixteenth section; adopted.

On motion, rule suspended, bill read third time and passed by a constitutional majority: yeas, 43; nays, 6.

On motion of Mr. Bryan of Brazoria, a bill making an appropriation for the improvement of rivers, was taken up and read.

When Mr. Tarver moved the previous question.

The question, "Shall the main question now be taken?" was put, upon which the yeas and nays were taken, and stood thus:

YEAS—Messrs. Speaker, Andrews, Browder, Camp, Cannon, Crockett, Daggett, Doom, Dunlap, Edwards, Evans of B., Evans of A., Flanagan, Hamilton, Hardeman of C., A. J. Hood, Hooker, Hord, Jowers, Lawson, Mabry, Maverick, McDade, McFarland, Neal, Neighbors, Palmer, Patrick, Pollock, Rains, Randolph, Rossy, Runnels, Sims, Speights, Stapp, Tankersly, Tarver, Taylor of H., Thomson, Throckmorton, Turner and White—45.

NAYS—Messrs. Bryan of B., Charlton, Crabb and Hartley—4.

So the main question was ordered.

The main question being on the passage of the bill to a third reading, was put and carried.

On motion, the rule was suspended, and bill read third time.

Mr. Reid proposed the following amendment:

Strike out "twenty-one thousand," in section 1, and insert "fifty thousand." Also, strike out "elven thousand five hundred," and insert "twenty thousand."

Mr. Lawson then moved the previous question—"Shall the main question now be put?"

The main question being on the passage of the bill, the yeas and nays were taken thereon and stood thus:

YEAS—Messrs. Andrews, Bryan of B., Browder, Camp, Cannon, Charlton, Crockett, Daggett, Doom, Edwards, Evans of A., Evans of P., Fields, Flanagan, Hartley, Hardeman of C., Hardeman of N., A. J. Hood, Hord, Jowers, Lawson, Mabry, McDade, Neal, Palmer, Patrick, Pollock, Rains, Randolph, Scott, Speights, Stapp, Stewart, Tarver, Taylor of H., Thomson, Turner and White—38.

NAYS—Messrs. Speaker, Crabb, Evans of B., Hamilton, Hooker, Maverick, McFarland, Neighbors, Reid, Rossy, Rowe, Runnels, Sims, Tankersly and Wren—15.

So the bill passed.

A message was received from the Senate, informing the House that the Senate had passed the following bills:

A bill to be entitled an act to regulate the election of district surveyors;

A bill to be entitled an act supplementary to an act entitled

an act to restore lands sold for taxes and purchased by the State, to the former owners, approved February 28, 1852;

A bill for the relief of Sarah Slay;

A bill for the relief of Jim Shaw, a Delaware Indian; also,

A joint resolution concerning the public archives of Bexar county, originating in the House.

On motion, a bill to incorporate the town of Indianola was taken up and read first time, and passed to second reading.

On motion, rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

On motion, a bill making appropriations for the purposes therein named, was taken up and read.

Mr. Bryan of Brazoria proposed the following amendment:

Insert at the end of section 1—"To M. B. Irwin, the balance due to him for the distribution of Hartley's Digest, the laws and journals, three hundred and fifty one dollars and twenty-two cents;" adopted.

Mr. Hord proposed the following amendment to the amendment offered by Mr. Bryan of B.:

Add—"To James B. Shaw, eleven hundred and fifty dollars, claim presented last session;" adopted.

Mr. Scott proposed to amend the amendment offered by Mr. Hord, as follows:

Fill the blank with "eleven hundred and fifty dollars, or so much thereof as may be due;" adopted.

When the fourth amendment as amended was adopted.

The fifth amendment as proposed by Mr. Bryan of Brazoria, was adopted.

Mr. Evans of Bexar proposed the following amendment:

"For F. Giraud, for drafting a plan of capitol, two hundred and fifty dollars."

Mr. Runnels moved to lay amendment upon the table; carried.

Mr. Dunlap proposed the following amendment:

Add, 1st section—"To E. Dougherty, late assessor and collector of the county of Cameron, for taking and returning the census of 1851, the sum of one hundred and forty-three dollars;" adopted.

Mr. McFarland proposed the following amendment:

Add—"For expenses incurred by John Dusenberry, in bringing the remains of the decimated Mier prisoners from the

place of their massacre to LaGrange, three hundred and fifty dollars;" adopted.

Mr. Stapp proposed the following amendment:

Add—"Ninety-six dollars, annually, to David F. Webb, for two years as a pension, commencing from the expiration of the last appropriation for his benefit;" adopted.

Mr. Mabry moved to refer the bill and amendments to the committee on Finance; lost.

Mr. Hord offered the following amendment:

Add—"Five dollars per day to each of the clerks, Sergeant-at-Arms, Door-keeper, and paper-folder of the House."

Mr. Scott offered the following as a substitute for Mr. Hord's amendment in original bill:

Strike out "four thousand dollars," for contingent expenses of both houses of the legislature, and insert "five thousand dollars, to meet the extra compensation allowed to the clerks and officers thereof;" adopted.

Mr. Pollock proposed the following amendment:

"Strike out the sum allowed to the Commissioner to investigate land titles west of the Nueces."

On motion, the House ordered the previous question.

The main question being on the engrossment of the bill, was carried.

On motion, rule suspended, bill read third time and passed.

On motion, a joint resolution proposing an amendment to the Constitution was taken up, read second time, and referred to the Judiciary committee.

On motion of Mr. Tankersly, the Senate's bill entitled an act to give the right of appeal in case of habeas corpus, was taken up, read first time, and passed to a second reading.

On motion, rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

On motion, the House adjourned until seven o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met—roll called—quorum present.

Absentees: Messrs. Bee, Camp, Cannon, Evans of P., Hamilton, Hooker, Hord, Howard, Johnson, Lott, Maverick, Pollock, Reid, Rowe, Sims and Titus.

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, February 4, 1853.

To Hon. DAVID C. DICKSON,

Speaker of the House of Representatives :

The committee on Enrolled Bills instruct me to report to the House that they have examined the following acts, originating in the House of Representatives, viz :

An act to amend the ninety-ninth, one hundred and thirtieth, and one hundred and thirty-first sections of an act to regulate proceedings in the District Courts, approved May 13, 1846 ;

An act to give certain civil and criminal jurisdiction to the mayor of the town of Washington, in Washington county ; and,

An act for the relief of the inhabitants of Presidio de San Elizario, in El Paso county ;

And find the same correctly enrolled.

BENJ. F. TANKERSLY.

Mr. Randolph, by leave of the House, introduced a bill to be entitled an act to define the time of holding the District Courts in the Ninth Judicial District ; bill read first time.

On motion, rule suspended, bill read second time and ordered to be engrossed.

On motion, rule further suspended, bill read third time and passed.

On motion of Mr. Andrews, a bill granting the use of certain portions of Galveston bay to the Galveston Dry Dock Company.

When Mr. Hartley proposed the following amendment :

Add to end of 1st section—"Provided, that said Company shall not injure or unreasonably obstruct the channel, harbor or anchorage of said bay ;" adopted, and bill ordered to be engrossed.

On motion, rule suspended, bill read third time and passed.

On motion of Mr. Mabry, a bill to incorporate the Bastrop Academy was taken up, read first time and passed to second reading.

On motion, rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed unanimously.

On motion of Mr. Charlton, a bill to create the county of Hill, as amended by the Senate, was taken up, and, on motion, amendments concurred in and bill passed.

On motion of Mr. Neighbors, a bill to be entitled an act to

define the Bexar, Milam and Fannin Land Districts, was taken up for consideration and read.

When Mr. Taylor of Fannin withdrew his amendment, and bill was ordered to be engrossed.

On motion, bill read third time and passed.

On motion, a joint resolution relating to the volunteers called into the service by the Governor, as amended by the Senate, was called up, amendments concurred in, and bill passed.

A bill to be entitled an act to limit the boards of land commissioners and more clearly to define their duties, as amended by the Senate, was taken up, amendments concurred in and bill passed.

A bill to be entitled an act to erect the counties of Cameron, Hidalgo, Starr, Nueces, San Patricio, Webb, Presidio and El Paso, into separate land districts, with Senate's amendments, was taken up, amendments concurred in and bill passed.

A bill relating to the fiscal affairs of the late Republic of Texas, as amended in the Senate, amendments read and concurred in and bill passed.

A bill prohibiting assessors and collectors from exercising official functions before they are qualified, approved September 5, 1850, was taken up, read third time and passed.

A bill to be entitled an act to appropriate and set apart two millions of dollars as a special school fund, on motion was laid on the table.

A bill to incorporate Stenson Ferry and Turnpike Company was taken up for consideration, and, on motion, was laid on the table.

On motion, the Senate's bill to incorporate the Cold Spring Female Academy was taken up for consideration, bill read second time and passed to third reading.

On motion, rule suspended, bill read third time and passed unanimously.

Senate's bill changing the northern boundary of Williamson county, was taken up for consideration, read first time and passed to second reading.

On motion, rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

Senate's bill to facilitate the operations of persons engaged in the United States Coast Survey in the State of Texas, under proper restrictions, was taken up and read first time.

On motion, rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

A bill to be entitled an act to define the time of holding the District Courts in the Third Judicial District, as amended by the Senate, was taken up, amendments read, and first and second amendments concurred in.

When Mr. Scott moved that the House disagree to the third amendment proposed by the Senate ; carried.

On motion, 4th amendment concurred in.

On motion of Mr. Tarver, a committee of Conference was raised, composed of Messrs. Tarver, Hamilton and Thomson, to confer with a like committee on the part of the Senate, upon the third amendment to the bill, and other matters relating thereto.

A bill concerning the public archives of Bexar county, as amended by the Senate, was taken up, amendments read and concurred in and bill passed.

Senate's bill supplementary to an act concerning crimes and punishments, approved March 20, 1848, was taken up, read first time, and passed to second reading.

When, on motion, rule suspended, bill read second time and referred to the committee on the Judiciary.

Mr. Hord, by leave of the House, offered the following resolution :

Resolved, That Levi Pennington shall be allowed and paid five dollars per day for each day's attendance on the House, during its present extra session ; adopted.

Senate's bill to incorporate the town of Seguin, in Guadalupe county, was taken up, read first time and passed to second reading.

Rule suspended, bill read second time and passed to third reading.

On motion, rule further suspended, bill read third time and passed.

A bill supplementary to an act to establish the Galveston and Red River Railway Company ; bill read first time and passed to second reading.

On motion, rule suspended, bill read second time.

When Mr. Runnels offered the following amendment :

Add—"That this road shall not run from Red River towards El Paso, so as to interfere with the Memphis, El Paso and Pacific Railroad ;" rejected.

Mr. Hartley offered the following amendment:

Add to end of 2d section—"Provided, that the public lands on the routes provided for in this section, shall not be reserved from location; nor shall said company have any preference in the location thereof;" adopted.

Mr. Hartley also offered the following amendment:

Additional section. "Section —. If said company shall not commence the construction of the roads on the routes mentioned in the preceding section, or either of them, within two years from the passage of this act, and construct and complete at least twenty-five miles every year thereafter until completed, then this act so far as the route which said company shall fail to so commence, continue and complete, shall be null and void;" adopted.

On motion of Mr. Palmer, bill and amendments were postponed and made a special order for 11 o'clock to-morrow.

Mr. Patrick moved to take up a bill to determine what lands have been forfeited; lost.

Senate's bill for the relief of Jim Shaw, a Delaware Indian, was taken up, read first time, and passed to second reading.

On motion, rule suspended, bill read second time.

On motion, rule further suspended, bill read third time and passed by a constitutional majority, Messrs. Hardeman of N. and Dooin voting in the negative.

Mr. Palmer moved that the House adjourn until half-past 9 o'clock, to-morrow; lost.

A bill for the relief of the heirs of Stacey Dailey was taken up, and bill read first time.

On motion, rule suspended, and bill read second time.

On motion, rule further suspended, bill read third time and passed.

On motion of Mr. Tankersly, the House adjourned until half-past 9 o'clock to-morrow.

AUSTIN, Friday, February 5, 1853.

House met—roll called—quorum present.

Absentees—Messrs. Bee, Bryan of B., Bryan of C., Browder, Camp, Edwards, Hartley, Johnson, Lott, McDade, Neal, Reid, Rowe, Stapp, Titus, Westmoreland and Wren.